## REMARKS

The Office Action mailed October 6, 2006 has been reviewed and the comments therein were carefully considered. Claims 1-21 are currently pending. Claims 1-21 stand rejected.

**Objections to the Specification**

On page 2 the Office Action objects to the use of "a table being included in an XML file." The Office Action suggests that a table being included in an XML file:

> . . .is not commensurate with the XML table data in view of its implementation as described in other parts of the Specifications, and does not come in agreement with the more commonly accepted meaning of a table and that of a markup language is understood by one skill in the art, according to which, a market page does not reasonably contain a table. There is no explicit teaching in the Specs about the term 'table' in terms of defining how the table being included in an XML format (i.e. text being markup having tags) would amount to, i.e., it being provided in some format that would make it particularly distinguishable from a standard table as perceived from general meeting.

The Office Action then suggests that what is disclosed as a table "appears to be a tabular set of data being formulated into markup text; and the table is not practically a table being included but externally provided tabular data source being integrated inside a markup form."

The Applicant requests that the Office reconsider the objection to specification. Figure 3, as referenced by the Office Action, provides an explicit example of what is meant when the application describes a table being included within an XML file. The Applicant respectfully submits that Figure 3, and the rest of the application, make it abundantly clear what is meant by a table being included within an XML file. Moreover, the Applicant does not believe that the Applicant's use of "table" is inconsistent with how the term is used in the art. For example, Microsoft Press Computer Dictionary, Third Edition of 1997 includes the following definition of table:

1. In programming, a data structure usually consisting of a list of entries, each entry being identified by a unique key and containing a set of related values. A table is often implemented as an array of records, a linked list, or (in more primitive languages) several arrays of different data types, all using a common indexing scheme...

The Applicant respectfully requests that the objection to specification be withdrawn.

**Claim Rejections Under 35 USC §112**

Claims 7-9 and 20-21 stand rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 8-9 stand rejected for failing to remedy claim 7.

Beginning on page 3, the Office Action rejects several claims under 35 USC §112, second paragraph as being indefinite because of the use of limitations relating to a table inside of a file. The Office Action suggests that "[o]ne skill in the art, for lack of precise, explicit definition and teaching in the Disclosure concerning the table as recited, will treat this limitation as mere tabular like or tabular related data." Again, the Applicant respectfully suggests that Figure 3 provides an explicit example which illustrates exactly how the Applicant is using the term "table" in relation to an XML file. At the bottom of page 3, the Office Action appears to suggest that the claims are indefinite "absent any teaching about the markup language defining the layout or physical implementation of a 2-dimensional table." However, none of the claims in the present application include "2-dimensional dimensional table" limitations. Moreover, as used in the present application, "table" describes a data structure.

For at least these reasons, the Applicant respectfully submits that claims 7-9 and 20-21 are definite and in compliance with 35 USC §112, second paragraph.

**Claim Rejections Under 35 USC §101**

Claims 1-4, 6-10, 12-14 and 16 stand rejected under 35 USC §101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 is drawn to a "computer-readable medium having thereon a data structure." On page 4 the Office Action alleges that claim 1 "amounts to a product comprising descriptive software entities stored thereon." The Applicant respectfully disagrees. Claim 1 is drawn to a computer-readable medium having "functional descriptive" material stored thereon. See page 50 of the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility. On page 50 the Interim Guidelines discuss In re Lowry, which held that claims to a data structure stored on a computer readable medium that increases computer efficiency are statutory. Claim 1 includes such a data structure stored on a computer-readable medium and having elements listed in particular orders to increase computer efficiency. For at least this reason, The Applicant respectfully submits that claim 1 and dependent claims 2-4 are in compliance with 35 USC §101 .

Claim 6 has been amended to include the feature of "testing a software module with the parameter value combinations." Claim 6 and the claims that depend from claim 6 are now believed to be in compliance with 35 USC §101.

**Claim Rejections Under 35 USC §102**

Claims 1-10, 12-14 and 16-19 stand rejected under 35 USC §102(e) as being anticipated by US Publication No. 2004/0128584 ("Mandava et al.").

Mandava et al. discloses a method for analyzing the test coverage of a software application specification by a test suite. As described in paragraph 38, the method is used to

determine whether assertions that are included in a specification document are complied with. As shown in figure 1A, a software specification includes numerous assertions. The system and method disclosed in Mandava et al. allows the user to determine which assertions are tested with a testing process. Figure 3G, for example, lists individual test suites and assertions that are tested by those test suites. With this system a user can look at column 358 and realize that several assertions that are included in the software specification are not tested at all and then take appropriate action.

In contrast to what is disclosed in Mandava et al., claim 1 is drawn to a computer-readable medium having thereon a data structure identifying parameter value combinations for use to test a software module. Claim 1 further includes the feature of "a first section that includes a set of testing parameters listed in a parameter order." The Office Action suggests that this feature is found in Mandava et al. in Table 1 and paragraphs to 68-70. The Applicant respectfully disagrees. Table 1 illustrates an exemplary representation of assertions found in an assertions document. See paragraph 66. Paragraphs 68-70 describe elements of the assertion document. There it is no disclosure of "a set of testing parameters listed in a parameter order." Claim 1 further includes the feature of "a second section that includes a first set of parameter values listed in an order such that each value is positioned in the same order as the corresponding parameter is listed in the parameter order." On page 6 the Office Action alleges that this feature is found in Mandava et al. in paragraphs 71 and 74. The Applicant respectfully disagrees with the characterization of paragraphs 71 and 74. In particular, it is unclear how paragraphs 71 and 74 can be considered as disclosing "parameter values" that are position in the same order as the corresponding parameter is listed in the parameter order. Paragraphs 71 and 74 describe an assertion document that contains assertions and not parameter values.

For at least these reasons, the Applicant respectfully submits that claim 1 is not anticipated by Mandava et al. and is a condition for allowance. The claims that depend from claim 1 are allowable for at least the same reasons as claim 1.

Claim 6 includes the feature of "extracting parameter value combinations from a data file marked up with a markup language." On page 7, the Office Action alleges that this feature is found in figures 3D-1,2,3 and figures 3F-1 and 2. Figures 3D-1,2,3 merely illustrate the assertion documents corresponding to specification. See paragraph 155. The assertions are not parameter value combinations. Figure 3F-1 illustrates a static XML file that shows a listing of assertions that are tested by different tests suites. See paragraph 157. The files shown in figures 3F-1 and 2 may be used to create the display shown in figure 3G, which allows a user to view and determine which assertions are tested by which testing suites. See paragraph 160.

For at least these reasons, the Applicant respectfully submits that claim 6 and the claims that depend from claim 6 are not anticipated by Mandava et al. and are in condition for allowance.

Claim 17 includes the feature of "an import component that extracts parameter value combinations from a data file marked up with a markup language." On page 8, the Office Action alleges that these features are found in figures 3D-1,2 and 3 and 3F-1 and 2. Figures 3D-1,2 and 3 and 3F-1 and 2 have been described above in this response and do not disclose "an import component that extracts parameter value combinations from a data file marked up with a markup language."

For at least these reasons, the Applicant respectfully submits that claim 17 and the claims that depend from claim 17 are not anticipated by Mandava et al. and are in condition for allowance.

**Claim Rejections Under 35 USC §103**

Claims 11, 15 and 20-21 stand rejected under 35 USC §103(a) as being unpatentable over

Mandava et al., and further in view of U.S. Publication No. 2003/0163802 ("Takahashi").

Claims 11 and 15 are allowable for at least the same reasons as the claims from which

they depend.

Claim 20 includes the feature of "receiving at a spreadsheet application a plurality of

parameter value combinations." On page 10 the Office Action suggests that Mandava et al.

discloses receiving a plurality of parameter value combinations in figure 1 B-1, table 5, and

paragraphs 119 and 121. Figure 1 B-1 has been described above and merely discloses a listing of

assertions. Table 5, shows an exemplary assertion rule. Paragraphs 119 and 121 discuss

assigning keywords to an assertion. The Office Action does not provide any indication of what

is considered a parameter, or a parameter value in the cited sections of Mandava et al. If this

rejection is maintained, the Applicant respectfully requests that the Office specifically identify

where Mandava et al. discloses a "parameter" and "a plurality of parameter value combinations"

so that the Applicant will have an opportunity to respond to the rejection.

The Office Action admits that Mandava et al. does not disclose receiving parameter

combinations from a spreadsheet and then references the discussion of claim 11. On page 9, the

Office Action suggests that it would have been "obvious for one skill in the art to implement the

chapter and table specification of Mandava as mentioned above so that they are spreadsheet data

-- as these are analogized to the 2D tables of parameter definitions by Takahashi." The

motivation provided than discusses dynamic updating of data cells. The Office Action has failed

to provide any explanation of why one skilled in the art would have been motivated to

dynamically update the data of cells with a proposed modification of Mandava et al.    In particular, there is no suggestion in Mandava et al. that any cells need to be dynamically updated and it is unclear why one skilled in the art would want to dynamically update any of the data shown in Mandava et al.  The Applicant accordingly submits that the Office Action has failed to establish a *prima facie* case of obviousness.

For at least these reasons, the Applicant respectfully submits that claim 20 and dependent claim 21 are patentable over Mandava et al. and Takahashi.

**Objections to the Oath/Declaration**

A new Declaration is being filed along with this response.  Reconsideration of the objection is requested.

## Conclusion

Applicants therefore respectfully request reconsideration of the pending claims and a finding of their allowability.  A notice to this effect is respectfully requested.  Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone

Respectfully submitted,

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